DAILY CONFEDERATE.

A. M. GORMAN & CO., Proprietors.

DAILY EDITION, for 6 months $12
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TELEGRAPHIC.

REPORTS OF THE PRESS ASSOCIATION.

Entered according to act of Congress in the year 1863, by J. S. THRASHER, in the Clerk's office of the District Court of the Confederate States for the Northern District of Georgia.

Confederate Congress.

RICHMOND, Jan. 29.

The Senate to-day removed the injunction of secresy from the Military bill passed by that body on the 16th inst. It provides that from its passage all white residents in the Confedrrate States between 18 and 45, shall be in service during the war. And between 45 and 50 shall enroll within such time as the President shall prescribe, and all failing so to enroll shall be considered in the army in the field. All details for Provest, Hospital, and Guard service, Quartermaster, Nitre, Conscript, Bureaus, Agents, Clerks, &c., shall be taken from 45 to 55 now in the army, and below the age of 45 of those unfit for field service. All exemption laws repealed except *mail contractors*, and the following substitutes:—All unfit for service, members and officers of Congress, State Legislatures and such officers as the President and Governors of States may declare necessary to administer the Government; Ministers authorized to preach on the 10th of April 1862; one Editor of each Newspaper published on the 10th of April, 1862, regularly published and been published ever since, and printers; one Apothecary to each store engaged at that time and regularly since; Physicians over 35 in regular practice seven years; teachers continuously engaged two years; one overseer on a farm with 20 field hands the sole property of Miners, insane, *feme de sole*, or person in service, provided such overseer has been so employed since the 10th day of April 1862, and if no white male adult be on the farm not liable to service; one person under each Government contract with certain restrictions. Any Quartermaster, Commissary, Marshal, Nitre or Enrolling officer who shall employ any one liable to service between 18 and 45, shall be cashiered.

These are the principal features of the bill as passed by the Senate. It is still before the House in secret session. What changes have been made in it has not been known.

In the House this morning resolutions were offered, that the practice of holding secret sessions is one by which the responsibility of the government to the people is in a measure destroyed, and is an encroachment on the principle, to be tolerated only in cases of extreme necessity; and that hereafter all measures to increase the strength and efficiency of the army, and having no reference to the plan of campaigns or military operations in the field, shall be discussed, matured and passed in open session. Voted down and the House refused the call for the yeas and nays.

A bill to increase the pay of non-commissioned Officers and privates in service for the whole war one hundred per cent was presented, and the rules suspended for immediate consideration by a vote of yeas 68, nays 15. Some discussion ensued on the proposition and amendments made and the matter was referred to the Military Committee.

The motion heretofore offered to re-consider the bill fixing the time for the meeting of the next Congress, was called up and rejected—yeas 30 nays 43.

From Richmond.

RICHMOND, Jan. 29.

The removal of the hitch in the exchange of prisoners, is now the subject of much thought on the part of the Government and Congressmen.

The Senate has passed a resolution looking to the exchange of such free negroes as are citizens of Northern States, taken in the army against us.

The House Judiciary Committee have considered this matter and have indicated that a report favorable to such arrangement will be made.

A number of our Statesmen are in favor of our Government adopting the principle laid down in the laws of nations, and of exchanging all prisoners who are actually free residents of Northern States and recognized by the laws of those States as citizens, man for man.

Most of the time in both Houses of Congress today was occupied in secret session.

The Tax and Currency bills have passed the House, and the Military bill passed the Senate some days ago; but its provisions are not made public, and it is not known what progress is now being made.

From Charleston.

CHARLESTON, Jan. 29.

The enemy at 9 o'clock last night reopened fire on Sumter with three 10-inch Columbiads and one 30-pounder Parrot. The fire is directed at the South angle of the fort. During the night one hundred and twenty three shells were thrown, eighty-two of which burst in and over the fort. Two Parrot shots also struck the fort. The firing on Sumter continued all day and is still going on this evening. No casualties and no damage done to the fort. No shelling the city since last report.

From Northern Virginia,

ORANGE C. H., Jan. 29.

It is reported that the enemy's cavalry is moving. One report is that Kilpatrick's corps is gone to the Peninsula in transports; and another report is that they are going towards Fredericksburg.

From Tennessee.

MORRISTOWN, Jan 29th.

Maj. Gen. Buckner has arrived. Gen. Longstreet's Head quarters has been moved to this place.

The enemy attacked Gen. Martin with superior force beyond French broad on Wednesday, and after a severe fight compelled him to retire with a loss of two pieces of artillery, and two hundred men killed, wounded and missing.

From Mobile.

MOBILE, Jan. 29.

A special dispatch to the Evening News, dated Jan. 29th, says fifteen transports with troops, arrived at Vicksburg, on the 27th. The enemy is in force along Big Black—reported to be Sherman's Corps. Three or four regiments passed up the Yazoo to Mechanicsburg and met the 2d Texas regiment and fell back.

Heavy demonstration ares being made at Pontichatoula. The enemy is advancing from the coast below, ten thousand strong.

THE DAILY CONFEDERATE.

OLD SERIES, VOL. V. } RALEIGH, N. C. SATURDAY, JANUARY 30, 1864. VOL. I—No. 5.

From Texas.

HOUSTON, TEXAS 11th Jan. *via* JACKSON, Jan. 29.

We have accounts of another serious Indian raid in Cook county, in which twelve or fifteen people were killed. The Indians were armed and equipped by the Yankees.

Fifteen million dollars Confederate money that had run the blockade from some Eastern port to Havana, and had safely reached Monterey, Mexico, *en route* to the Trans-Mississippi Department, had been attached by the English house of Milno & Co., of Matamoras, for alleged failure on the part of Maj. Hart, a Quartermaster and agent of the C. S. Government in meeting his contracts with that house for cotton—the same cotton being in transitu in Mexico belonging to the Government on the same account.

Gen. W. S. Hamilton, Abolitionist, appointed Military Governor of Texas, had a public reception at Matamoras by Governor Serina and Cortina. In a speech at the banquet he announced that in case the French should advance towards Matamoras, the Yankees would help the Mexicans to whip them out.

Hamilton has as yet issued no proclamation that we have heard of.

The Yankees, 5000 strong, have advanced on Brownsville on King's Ranche, meeting with no opposition.

Col. Benavedes and Col. John S. Ford, the old ranger, are raising a force in the West to suppress the Mexican bandits now depredating on our soil.

The Yankees at Selina and Dickens Point number about 12,000. They are occupying Indianola with a small garrison and have visited Lavecca. They did no damage there save sacking a few houses. The railroad from Lavecca to Victoria is thoroughly destroyed. They also landed a force of a few hundred one day last week in the upper part of Matagorda Peninsula, for the purpose of cutting off 18 of our pickets who were below them. The pickets escaped in some oyster boats. They were a squad of volunteer exempts from this city under command of ex-Governor Henderson.

A company of men under Capt. Rugely, attempted last week to cross from the main land to Peninsula—in a second they were caught in the middle of the bay by a storm, the boats swamped and they were obliged to swim. About 14 of the men perished, their dead bodies being subsequently washed up by the waves—they froze to death.

No engagement, scarcely a skirmish has yet occurred on our coast since the fall of Esparaza.

Since the 1st inst., we have experienced the coldest weather for many years—the thermometer on the 1st sunk to ten degrees Fahrenheit.

It is believed that nearly all the stubble in the sugar cane has been frozen out.

The people have learned to look reverses squarely in the face.

They vince only a determination to fight it out, no matter against what odds or under what difficulties. Texas will not succumb, even if any other State should, which we regard as impossible.

The Proclamation of Mr. Lincoln excites hardly a thought; it is not regarded as being of enough importance to be worth laughing at even.

The health and spirits of our troops are good, the organization of the army is thorough—Veterans are in command of every brigade—many of the Regiments are from eight hundred to eleven hundred strong—in a word, Texas is all right.

The enemy has in two months taken no point that was regarded as defensible, or intended to be defended. They will not attempt to do so with less than two to one of our forces.

The arrival of Judge Upson from Richmond, is announced in the Southern papers. He brought over a large amount of Confederate bonds.

About four hundred prisoners of war have been exchanged at Vermillionville, Louisiana. We still have several hundred more to exchange, but the Yankees have nothing to offer for them.

THE YANKEES ON THE CHOWAN.—We learn from the Petersburg Express, that on the 21st inst., two Yankee gun boats ascended the Chowan river as far as Harrellsville, in Hertford county. Abount 300 men landed and marched up into the village, burned several houses and destroyed about 10,000 pounds of government bacon which had most imprudently been allowed to remain there. They robbed many private houses, carried off ten or twelve mules and killed some, that they could not cary away. As they were returning to the gunboats, some of our cavalry came upon them, killed several of them and wounded others. Only one of ours was wounded (slightly.)

Harrellsville is about two miles from Chowan river, and about twenty miles below Murfreesboro'.

We regret to learn that Mr. Williford Nichols, a native of this county, but for several years a citizen of Darlington District, S. C., was accidentally killed by being run over by the cars, at Sumpterville, on Thursday last. Deceased was a brother of Mr. John Nichols of this city, who received the sad news by telegraph on yesterday.

ELECTION IN ORANGE.—Gov. Vance has ordered an election to be held in Orange county, on the 18th of March, for a Senator to fill the vacancy occasioned by the resignation of Gov. Graham, and the name of James B. Leathers Esq., is announced as a candidate.

WEAKNESS OF THE ENEMY.—In old times when Generals commanded armies, it was well understood that when one army could cut its antagonist in two, the fate of the army so divided was sealed. Grant and Burnside got the army of Tennessee into precisely that condition, and after they had cut us in two, could not manage either end. Longstreet is still in East Tennessee with one end, and Johnston is at Dalton with the other, but the Yankees dare not press upon either. What, asks the Merietta Rebel, could more satisfactorily exhibit their weakness?

There is one instance in which Church members are particularly slow to recognize the depreciation of the currency; and that is when they are asked to make their annual subscriptions for the support of the Pastor, Confederate money is then almost as good as gold.

Auspicious Signs.

In the extracts lately published from the Richmond correspondence of the London Morning Herald, it was clearly shown that the Yankee draft had proved a failure. The recent debate in the United States Senate upon the crazy proposition of a Senator from Wisconsin to raise a million of men for the deliverance of the Yankee prisoners in Richmond, elicited the declaration from Senator Wilson that a hundred thousand might possibly be raised, but that these raw recruits would soon be disposed of by the veterans of Gen. Lee. The enormous bounties offered for volunteers show the increased difficulties of raising men for the Yankee armies. Gold is higher in New York than ever before. If the Confederate Congress and the people of the Confederate States now do their duty, the "winter of our discontent," under the blessing of Providence, will give place to a glorious Spring, and the backbone of the Yankee invasion will be finally and forever broken. Only let us be true to ourselves, and inspire the army in our front with the moral effect of a harmonious and determined people, and the starry cross of the Confederacy will emerge from the clouds and darkness, which now surround it, in a blaze of glory.

It is unmanly, wicked, and traitorous to despair under such circumstances as now surround us. Let the croakers and the faultfinders, for the sake of their country, consent to an armistice for three months, and devote that interval before the opening of the campaign to working cheerfully and harmoniously to the common cause. Let the whole Confederacy rise as one man, and strike such a blow as a great people ought to strike for its liberties and rights. Let the stragglers and absentees come back to their gallant and faithful brethren. One grand effort more and we are free. With the glorious triumph of the Confederate arms, which we confidently anticipate in the coming spring, the military and financial power of Lincoldom will be crushed, and the independence of the Southern Confederacy secured.—*Richmond Dispatch.*

[From the Fayetteville Observer.

MOB LAW.—The Raleigh Standard affects to think that the Observer wishes its office mobbed. There never was a greater mistake. This paper has ever been and will ever be the earnest upholder of THE LAW. But apart from that, if we were an advocate of mob law, we should most earnestly deplore mob law against the Standard, for that would place in its possession the much coveted crown of martyrdom. We never heard of the application of mob law without most earnestly condemning it, and never but once without an unmixed feeling of abhorence. That one was the mobbing by the Standard's "friends"—so the Standard called them—of the State Journal office. In that case, much as we deplored the violation of law and the destruction of individual property, there was a feeling (which evidently pervaded Raleigh and the State and prevented further violence,) that the evil had been somewhat equalized on both sides. It was a great political blunder of the Standard's party, snatching at once the crown of martyr from the head of its chief, where the Georgia soldiers had foolishly placed it. As such, the Standard's snapping and snarling ever since has convinced us that that paper *too* late recognized it. We fear that its constant talk about mobs and threats of vengeance upon mobbers are only an invitation—a "dare" for the repetition of the folly of the Georgians. In addition to the better reasons for refraining, let all remember that to mob the Standard office is only to play into its hands. We think it only right to advise the Standard that this talk about mob law comes with an exceeding ill-grace from that paper. So far as we know, it was the first paper in the Confederacy to threaten those who are for the Constitution as it is and the Union 'as it was,' with the code of Judge Lynch. When in July 24, 1861, the Standard published the following editorial, we suppose it had not dreamed that it was destined to be the leader of those whom it threatened then with "swift destruction:"—

From the Raleigh Standard, July 24, 1861.

"*The old Union.*—We concur with the Western Sentinel, that "no matter how much we may have loved the old Union and the government of the United States, while it was administered according to the Constitution and the laws, that Union is now severed forever, and the government has become an engine of oppression in tyrant's hands."

"There are traitors to the South in Virginia, Kentucky, and Tennessee, but we trust there are none in North Carolina. If there are, let them beware! He that is 'not *for* the South in this contest is *against* it; and he who would encourage our deadly enemies in the effort they are making to trample us down and destroy us, deserves to die a traitor's death. There can be no half way ground now. We have been a devoted Union man, but much as we loved the old Union, we love North Carolina more. That Union is dead. It will never revive or be restored. The Confederate States will triumph in this war and establish their independence. If there be any persons in this State who prefer the old Union to the Confederate States, let them leave at once and take sheiter under Lincoln's government. If they remain here and plot against the South, they will be visited with swift destruction."

GEN. LEE PARDONS.—The Richmond Correspondent of the Columbus Sun says that General Lee pardoned, the other day, just as the sentence was about to be executed, a deserter condemned to be shot. His reason for so doing was to encourage the wives of all soldiers to act as the wife of this soldier had done. When the officer came in search of him, she promptly delivered him up, saying it was her duty, in spite of her love for him and the suffering and hardships she endured in consequence of his absence, to send him back to the army that so much needed him in this hour of the country's tribulation. For her sake, General Lee spared him. Let other wives take note.

Butler has commenced the confiscation of property in Norfolk. The real estate, goods and chattels, and personal effects of a number of persons is advertised for sale.

A few cases of Small-pox are reported as existing amongst the Yankees at Newbern.

Was there ever anything more foolish in the shape of an assertion from men who think themselves reasoning animals, than the attempt to excite sympathy for persons who have enjoyed substitution by representing the law as vesting an indefensible contract? So far as there was a contract it has been fulfilled in all cases where the substitute did service as long as both parties recognized the contract. In very many cases the substitutes dodged or deserted, and yet the principals did not then insist on a strict enforcement of the contract. Instead of a vested contract not determinable at all, we think substitution should be considered a tenancy at will, determinable at any time on reasonable notice. A, for instance, buys a house from B, to be delivered at call, but tells him, for accommodation you can occupy until notice, at the rate of $500 per annum rent. In three months A wishes to take possession, and gives notice accordingly, allowing the stipulated rent. Would I have any right to complain? The principle of substitution is at best anomalous and objectionable and the practices under it have not diminished the objections urged against the theory, announcing as it does an odious discrimination against the poor conscript.—*Charleston Courier.*

The New York Daily News of the 16th instant, in an editorial, says that the powder, ball and shell alone which have been used in the attempt to take Charleston, cost the United States Government $7,000,000, and the whole cost of the various expeditions fitted out against the city has amounted to upwards of $30,000,000. The cost will probably be doubled, adds the News, and the undertaking will be abandoned.

Miscellaneous.

North Carolina Volunteer Navy Company.—At a meeting of the Stockholders of the above Company, held in Raleigh on the 14th instant, the Company re-organized under its charter, and proceeded to elect the following gentlemen as directors, viz;

C. P. MENDENHALL, Greensboro'
J. M. BULLOCK, Granville county.
O. G. PARSLEY, Jr., } Wilmington.
ALEX'R OLDHAM, }
W. D. SMITH, }
DUDLEY NICHOLS, } Durham's.
J. R. GREEN, }
WILLIAM LONG, Caswell county.

The Directory then proceeded to elect their officers, as follows:

C. P MENDENHALL, Esq., President.
J. M. BULLOCK, Esq., Vice President.
W. D. SMITH, Esq., Treasurer.
DUDLEY NICHOLS, Esq., Secretary.

Pursuant to a resolution adopted by the Directory, the subscribers are requested to pay over to Wm. D. Smith, Treasurer, or deposit in Bank to his credit, the amount of their respective subscriptions, and forward certificates of deposit to his address at Wilmington, N. C., by the 10th day of February next. Those wishing to subscribe are requested to send in their subscriptions at or before that time to the Treasurer, who will issue certificates of stock.

DUDLEY NICHOLS, Sec'y.
Durham's, Jan'y 20th, 1864. 4-d2w.

Small Pox Notice.—As the Small Pox has again appeared in the City of Raleigh, all persons calling at the office of the Surgeon General between the hours of ten and two will be vaccinated free of charge.

EDWARD WARREN,
jan 12-1m Surgeon General.

TAKEN UP AND COMMITTED TO THE Jail of Lenoir county, on the 19th of July, last, a negro boy aged about 11 or 12 years, who says his name is Calvin, and that he belongs to Samuel Woodley, of Wilmington, N. C., who formerly resided in Washington Co., N. C. Said boy is very black and quick spoken, and says he formerly belonged to Samuel Spruill, of Washington county. The owner is requested to come forward, prove property, pay charges and take him away, or he will be dealt with as the law directs.

WM. FIELDS, Sh'ff Lenoir Co.
Kinston, N. C., Nov. 26, 1863.-wtf

HILLSBORO' MILITARY ACADEMY.—The Sixth Academic year of this Institution will commence on Wednesday, February 3rd, 1864. For circulars and information apply to

MAJ. WM. M. GORDON, Sup't.
Hillsboro', N. C., Nov. 23, 1863.—d3m.

Wanted to purchase.—A good Piano. Apply at this Office. jan 19tf

Piano for Sale.—I have for sale at Rocky Mount, N. C., an excellent Rosewood Piano, of Boswell's manufacture.

T. H. GRIFFIN, Agt.
jan 20-d12t Rocky Mount, N. C.

Gloves and Socks Wanted.—I desire to purchase for the soldier, 10,000 pairs of Gloves and 10,000 pairs of Socks. Donations will be thankfully received.

EDWARD WARREN,
jan 12-1m Surgeon General, N. C.

Notice.—On the First day of every month I shall send a special agent to the Army of Northern Virginia. All packages, &c., sent to me at this place will be promptly forwarded free of charge. EDWARD WARREN,
Dec. 22, 1863-d3m Surg-Gen'l N. C.

NOTICE.—A limited number of recruits will be received in the 1st N. C. Cavalry Regiment. The recruit must bring with him a serviceable horse. Arms and equipments will be furnished. For further information as to companies, &c., apply to Col Mallett, commanding Conscript Camp at Raleigh

By order COL. W. H. CHEEK, Comd'g.
GEO. S. DEWEY, Ad'jt. 1-dlm

$25 REWARD.—I learn that Cely, a negro woman belonging to the estate of Gen. Branch, is runaway. She is a small mulatto woman, about 27 years old. She has large eyes, and most of her front teeth are decayed; bushy hair. I will give $25 for her delivery to me, and $25 for proof to convict the person who harbors her. She is about Raleigh, where she has a large number of relations and friends.

1-dlw W. A. BLOUNT, Jr. Admintra'r.

NORTH CAROLINA, WAKE COUNTY. } *IN EQUITY.*

In the case of "Mrs. Jane Boylan, John H. Boylan, and others, against George W. Mordecai, Executor of William Boylen, Weldon E. Boylan, Sarah Boylan, and others," filed to Spring Term, A. D., 1864, of the Court of Equity for the county of Wake, and State of North Carolina, for the purpose of taking an account and paying off legacies, &c. Notice is hereby given to Weldon E. Boylan, Sarah Parker, Kat. Weldon Boylan, Hannah Boylan and Eliza Webster, to come forward at the next Term of this Court and plead, answer or demur to said Bill, or it will be taken *pro confesso*, and heard *ex parte* as to them. Done at office, in the City of Raleigh, this the 9th day of January, A. D., 1864.

R. G. LEWIS, C. M. E.
jan 15-d6t

BLANKS Executed with neatness and dispatch at this OFFICE.

For Sale or Rent.

HOTEL FOR SALE.—I OFFER AT PRIvate sale the large new Hotel in the town of Louisburg, and located just east of the Court-house.

july 4.—tf. H. HARRIS.

FOR SALE.—Valuable Real Estate in Raleigh and the vicinity.—The late John Kane, a native of Ireland, and formerly a resident of this City, having died intestate, leaving no wife nor inheritable blood surviving him, the real estate whereof he died seized and possessed, has become an *escheat*, and by operation of law vested in the University of this State.

Wherefore notice is hereby given to all whom it may concern, that in pursuance of the Acts of the General Assembly in such case, and by virtue of the power and authority conferred upon me by an Ordinance of the Board of Trustees of the University of North Carolina, I shall proceed to make sale of said property for the benefit of said Institution.

The property consists of 4 tenaments, being parts of lots No. 112, 114, 128, all adjacent to each other, at the junction of Blount and Martin streets in this city. The buildings are all new and 2 of the dwellings are handsome two-story houses.

Also a tract of land situate about 4 miles southwest of Raleigh, adjoining the lands of Laurens Hinton, Esq., and others, containing it is said, 300 acres, pretty well improved, and abounding in excellent timber, fire-wood, &c.

The sale will be by public auction on Wednesday, the 10th day of February next. on the premises in the city, at which place, also, the plantation will be sold. Terms liberal.

The tenants are notified that the rents from the death of the deceased must be paid to the undersigned, as agent aforesaid. CHAS. MANLY.

Raleigh, Jan. 18, 1864-eodtd

Miscellaneous.

Notice.—Is hereby given that on Saturday, the 30th inst, I shall attend at the Court House to distribute the bags placed in my hands for the purchase of the Rock salt. All who have bags there will please attend.

THOS. G. WHITAKER,
2-2t Salt Commissioner for Wake Co.

A Grand Ball will come off at the Collins' House, Kittrell's Depot, on the night of Thursday the 4th of February next, the proceeds of which will be donated to the Hospital Fund of this State. Terms of admission $20 per head.

D. McD. LINDSAY,
2-1w Proprietor.

The Sale of the Real Estate of the late John Kane, advertised to be made on the 10th day of February next, is postponed until further notice. Persons desiring to rent the premises in town and country for the current year, can make application to the undersigned without delay.

CHAS. MANLY,
For the University.
Raleigh, Jan. 25, 1864. 2-2t

A Female Seminary at Wake Forest Will be opened on Thursday, 4th, February next, under the control of Professors Royall and Simmons. Instruction will be given in all branches usually taught in Female Colleges. Tuition per Session of 20 weeks, $75; Music, $50; use of Piano, $10. Board and washing $500 per Session, each student furnishing *lights, towels*, 1 pair *sheets* and two *pillow cases*. Board at $10 per month, paid in provisions at old prices (corn $1 per bushel, wheat $1,25, bacon, lard and butter each 25cts per pound,) greatly preferred. Payment for Board and Tuition in advance. No unreasonable deductions. Students will bring any text-books in their possession. jan 18-eodlw.

Fayetteville, January 18, 1864.—Wanted.—A lady who is fully competent to teach music on the Piano and the English Branches, to take charge of a small school in a family near Fayetteville. Address. BOX 202,

jan 18-w3t Fayetteville, N. C.

Mrs. H. W. Miller,

BOARD

By the Month,	$140
Daily board do	$120
Transient, per day,	$ 10

jan 16-dtf

Military.

CONSCRIPT OFFICE,
RALEIGH, Jan. 27th, 1864.

The following circular from Bureau of Conscription is published for the information of all concerned.

By order COL. MALLETT,
Comd't Cons. for N. C.
E. J. HARDIN, *Adj't.*

BUREAU OF CONSCRIPTION,
RICHMOND, Jan. 25th, 1864.

CIRCULAR No. 4.

TO Commandants of Conscripts.—The attention of Commandants, is especially directed to General Orders No. 7, A. & I. G. O. current series, herein set forth for their information.

ADJT. AND INSP. GEN'L'S OFFICE,
RICHMOND, Va., Jan. 25, 1864.

I. Paragraph IV General Orders No. 3 current series is hereby revoked.

II. Enrolling Officers will proceed as rapidly as practicable in the enrolment of all persons made liable to military service. Previous to enrolment as conscripts, all such persons will be allowed to volunteer, provided—

1st. The Company selected was in service on the 16th of April 1863.

2nd. The Company selected is at the time of volunteering, below the minimum prescribed by regulations.

3rd. No person made liable to service under this order will be permitted to join; or will be assigned to any company which has more than sixty four privates on the roll, until all the companies in service from the State of which the volunteer or conscript is a resident, shall have the minimum number prescribed by regulations.

4th. Upon the Company being selected, the volunteer will receive from the Enrolling Officer a certificate to the effect that he has so volunteered; and no volunteer will be received in any company except on such certificate;

III. Persons who fail to make selection, according to the provisions of this order, and at the time of enlistment, will be assigned according to existing regulations.

IV. All officers in command of companies authorized under this order to receive conscripts or volunteers will forthwith send to the Commandant of Conscripts of the State, accurate certified rolls of their companies; and without such roll, showing that they do not exceed sixty four privates, there will not be assigned any conscript or volunteer.

By Command of the Secretary of War.
(SIGNED) S. COOPER,
Adjt. and Insp. Gen'l.

Early and vigorous action will be enjoined on the Enrolling Officers, each one of whom should be furnished with a copy of the order without delay. To insure the publicity of the order, there should be several insertions in the newspapers of general circulation.

II. Persons presenting applications for special exemption, with *any show of merit* will not be molested until action is taken by this Bureau. These cases will be investigated in accordance with Circular No. 3, Current Series with the least delay practicable.

By order of COL. JNO. S. PRESTON,
Supt.
(SIGNED) C. B. DUFFIELD,
3-1m. A. A. G.

☞ Fayetteville Observer, Wilmington Journal, Salisbury Watchman, Charlotte Bulletin and Democrat, Iredell Express, Asheville News, Wadesboro' Argus, Greensboro' Patriot, Milton Chronicle, Christian Advocate, N. C. Presbyterian, Mountain Eagle, Parboro' Southerner, copy one month.

DAILY CONFEDERATE.

ADVERTISING.

ADVERTISEMENTS will be inserted at TWO DOLLARS per square of ten lines (or less) for each insertion. Marriage notices and Obituaries will be charged as advertisements.

JOB WORK of every description will be executed at this Office with dispatch, and as neatly as can be done in the Southern Confederacy.

Military.

Conscript Office, Raleigh, January 22, 1864. The annexed order is published for the information of all concerned. Its requirements will be rigidly enforced in every particular.

By order COL. MALLETT,
Commanding Conscripts for N. C.
E. J. HARDIN, Adjutant.

ADJ'T AND INSP. GEN'LS OFFICE,
RICHMOND, Jan. 9, 1864.

General Orders, No. 3.

I. The following Acts of Congress and Regulations are published for the information of all persons concerned therein.

ACTS.

AN ACT to prevent the Enlistment or Enrollment of Substitutes in the Military service of the Confederate States.

"*The Congress of the Confederate States of America do enact*, That no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service, nor shall any substitute be received, enlisted or enrolled in the military service of the Confederate States." [Approved December 28th, 1863.]

AN ACT to put an end to the Exemption from Military Service, of those who have heretofore furnished Substitutes.

"WHEREAS, in the present circumstances of the country, it requires the aid of all who are able to bear arms:

"*The Congress of the Confederate States of America do enact*, That no person shall be exempted from military service, by reason of his having furnished a substitute; but this act shall not be so construed as to affect persons who, though not liable to render military service, have, nevertheless, furnished substitutes." [Approved January 5th, 1864.]

II. Persons rendered liable to military service by operation of the preceding acts, are placed on the same footing with all others hitherto held liable by Acts of Congress.

III. Persons herein rendered liable to military service are required to report as volunteers or conscripts, without delay, to the enrolling officers; and all who delay beyond the 1st day of February 1864, will be considered as having renounced the privilege of volunteering, and held for assignment according to law.

IV. Enrolling officers will proceed, as rapidly as practicable, in the enrollment of persons herein made liable to military service. Previous to enrolment as conscripts, all such persons will be allowed to volunteer in companies in service on the 16th April 1862; *provided*, the company chosen does not at the time of volunteering reach the maximum number allowed; and upon such company being selected, the volunteer will receive from the enrolling officer a certificate to the effect that he has so volunteered; and no volunteer will be received into any company except on such certificate. Persons who fail to make their selection, at the time of enrollment, will be assigned according to existing regulations.

V. Persons who report to the enrolling officers will be enrolled, and may be allowed a furlough of ten days before reporting to the camp of instruction.

VI. All persons, whether volunteers or conscripts under this order, will pass through the camp of instruction of the State to which they belong, and be forwarded thence to the companies which are selected, or to which they may be assigned.

VII. The Bureau of Conscription is charged with adopting proper regulations for the enforcement of this order.

VIII. All exemptions heretofore granted are subject to a revision, under instructions from the Bureau of Conscription; and if found to be improper or unauthorized by law, will be revoked.

By order. S. COOPER,
Adjutant and Inspector General.

1-dtfeb15.

☞ Wilmington Journal, Salisbury Watchman, Charlotte Democrat, Iredell Express and Asheville News copy until February 15th and send bills to Col. Mallett's office.

Confederate States of America, Engineer Department, District Cape Fear Wilmington, N. C., March 16th, 1863. Notice is hereby given to all persons having claims against the Engineer Department, *for services of slaves employed as laborers on the land defences near Wilmington, N. C.*, that the undersigned is authorized and prepared to pay the same at his office, on the second floor of the building next above Meares' Drug Store, Market Street,

☞ Persons executing Powers of Attorney will observe the following form—their signatures, in cases, to be witnessed by two witnesses and signed in duplicate, or they may be witnessed before a Justice of the Peace or Clerk of any Court.

FORM OF POWER OF ATTORNEY.

I, ——, of ——, do hereby appoint ——, of ——, my true and lawful Agent to sign receipts for, and receive payment of all moneys due to me by the Engineer Department of the Confederate States of America, for the services of my slaves employed as laborers on the land defences at ——, during the month of —— 186 .

Witness, my hand and seal, at ——, this —— day of ——, 186 .

(Signed in duplicate.)

—— ——— [Seal.]

Witnesses:

———

———

The signatures of colored persons should be witnessed by three witnesses.

There must be separate duplicate Powers of Attorney for each month. Blank forms can be had upon application at this office.

W. H. JAMES,
Jan. 20, 1864-1 tf Capt. & Chief Engineer.

Office North Carolina Railroad Company, Vance, January 1, 1864.—Dividend No. 5.—The Board of Directors of this Company have declared a Dividend of six per cent. on their capital stock, payable in Confederate Currency, on and after the first day of February next, at this office.

The Transfer Books will be closed from this date until the day of payment.

JOHN H. BRYAN, Jr.,
jan 4-3tawtd Secretary.

Fayetteville Arsenal and Armory, November 12, 1863. $100 BOUNTY! Wanted, 100 Mounted Riflemen. Authority having been granted by the War Department to raise a Company of Mounted Riflemen for service in this vicinity, notice is hereby given, that recruits to the number of 100 *non-conscripts* will be received for this service. Each recruit will be required to furnish a serviceable horse, for which he will be allowed 40 cents per diem, and his pay $12 per month. *Written permission* will be required from parents or guardians, where the applicant is under the conscript age.

Each recruit must bring with him a blanket or bed-spread, and come prepared to remain.

Apply to Maj. MATTHEW P. TAYLOR, at the Arsenal. F. L. CHILDS,
Lieut-Col. C. S. A., Commanding Post.
dec 16dtf.

Surgeon General's Office, Raleigh Jan. 16, 1864. A medical examining board, consisting of

Surgeon E. A. CRUDUP,
Ass't Surgeon H. H. HARRISS,

will meet at Halifax, in Halifax county, on Monday, the 25th of January.

At Jackson, in Northampton county, on Wednesday, the 27th of January.

At Murfreesboro', in Hertford county, on Friday, the 29th of January.

At Wilmington, in New Hanover county, on Tuesday, Wednesday, Thursday, 2d, 3d and 4th of February.

At Whiteville, in Columbus county, on Saturday, February 6th.

At Elizabeth Town, in Bladen county, on Tuesday, 9th of February, for the purpose of examining all persons claiming exemption from Home Guard duty on account of physical disability.

By order of Governor VANCE:
EDWIN WARREN,
jan 20- Surgeon General

THE CONFEDERATE.

A. M. GORMAN, Editor.

SATURDAY, January 30, 1864.

☞ Office of THE CONFEDERATE, on Fayetteville street, second door South of Pomeroy's Bookstore. ☜

We call the attention of our readers to the very able and conclusive argument in this paper on the Constitutionality of the late Act of Congress relative to the "principals of substitutes." The reasoning of "DELTA" is fortified by the best authorities. The language of Chief Justice Pearson, quoted from the two cases refered to, is comprehensive and covers the whole question, so far as the highest judicial opinion of North Carolina is concerned. The constitutionality of the present law is "*Res adjudicata*"—*a thing settled.* Principals may at once invest their immense profits in Confederate securities, (by the way the best possible investments) get their houses in order make their last will and testament, appoint "old respectable citizens" executors, and be ready to join their companies.

The Meeting at Thompson's Store.

What has become of the proceedings of this meeting? It was an important one—it was called for by the card of Mr. Rogers and Mr. Laws, the two Commoners from Wake—it was intented to give them instructions—it was to forerun others of the same tenor.—The meeting was *certainly held.* A high official in the State Capitol is said to have been present. The Standard cannot be ignorant that the meeting was held. Has it not heard of the proceedings? Why are they withheld? The Standard, in its reply to "A Citizen," exclaims against the injustice of a charge that it favors the "secession of the State from the common Government," yet it publishes, *without comment* of disapprobation, the proceedings of two meetings; one in Greene and one in Granville, in both of which the "Common Government" is denounced as *faithless*—in one of which, it is resolved—that, "the people of North Carolina in their sovereign capacity should propose a cessation of hostilities until an effort is made through a Convention for an honorable peace"—and in both of which, despotic action by the "Common Government" is anticipated; and in that event "State Sovereignty" is to be adopted. What does all this mean, but secession? It is all senseless jargon, or means this.

Now, if it should appear that the meeting at Thompson's Store, pronounced against reconstruction—against secession from the Southern Confederacy—against a call for a Convention, and *for* independence—and this meeting should find no place in the Standard, what will fair-minded men think? Let us have the proceedings of this meeting. The Standard can possibly get them on application to the Secretary of State. If they are what we have heard, it would be a compliment to the Standard to suppose they had been prepared at its office. We ask the Standard to publish them with an "editorial" of its judgment upon them.

Gen. Morgan and Lady passed through this city on yesterday. He was met at the Depot by a considerale number of ladies and gentlemen, with whom he interchanged friendly greetings. No public introduction was given, which was no doubt most congenial to this gallant General's wishes. He is a fine looking man—a noble specimen of the soldier and gentleman—and remarkably modest and retiring. On being introduced to some ladies Gen. M. remarked that he was always glad to be introduced to the ladies, for as a general thing, he found them to be truer to the cause than the men. He was *en route* to join his command in the West.

The last Standard asks us to publish some article from that paper, in which is given its reasons for favoring the calling of a State Convention. We find no such article in the number before us, and as we have none of its previous issues, we publish the following, which we find in an exchange, giving reasons why the South, (and of course North Carolina) cannot make any overtures to the Lincoln government. The Standard says it is as much opposed as any one to taking North Carolina back into the old Union. The object of the proposed Convention must, then, be, to negotiate with Lincoln for a peace. But a short time ago he was bitterly opposed to this. Now he is in favor of it. Here is what he said then:

"The South cannot make overtures, for she is fighting for existence, and any offer on her part to treat, would be considered a sign of weakness and fear. All she asks is to be let alone. She is not let alone as long as the foot of an enemy is on the soil of the Confederate States, and just so long as a single enemy is on her soil just so long will she fight. This is as little as she can do. If she were to offer less to her enemies, or attempt to do less, she would be unworthy of the spirit and manhood of her people."

Now he backs down from this position. In a short time he may disavow all his present views about a Convention. What is the use of republishing the positions of such a weathercock?

Four Yankee gunboats recently landed their vandal hordes at Lower Brandon, on the James river, and completely destroyed the houses—one beautiful and valuable farm—and carried off more than a hundred negroes from that and adjoining estates. Dr. Ritchie, the proprietor of the Brandon estate, was taken prisoner by the Yankees and carried off.

The Standard notices the appearance of *The Confederate* in the Newspaporial world in a courteous manner, and then takes it to task for a recent article of ours, in which was exposed the deceptions and delusions practised upon the people by certain candidates and party leaders. But in order to evade the point made by us, he charges us with saying that "the people deceived the people." Nothing could be more ridiculous, and the assumption that such was the tenor of our remarks, can only be accounted for by the infatuation of the Standard, that that paper is the people and the people the Standard—a very modest claim which it has long indulged in. It will awake from its delusion by-and-by.

No one complains more bitterly at being misrepresented than the Standard, and it should therefore be very cautious about misrepresenting others. We did not charge that "the people," as it endeavors to misconstrue our language, were using deception "for a desire to attain power." Such an assertion would be nonsense. On the contrary, we said that "the people were led to believe that if these certain candidates were elected," &c., which every one, the Standard included, must interpret as meaning, that the candidates and leaders produced this impression. And we do *know* that in sections of the State, the people were led to believe that the conscript law would be repealed or disregarded, and deserters and recusant conscripts be protected, in the event of the success of these candidates. The people did not produce this impression upon themselves. It was done, as as we stated in the article objected to by the Standard, by the candidates and other leaders, and we have heard persons who voted for these candidates express their disappointment because these results did not follow their election.

It may be true that "no such ground was taken by any Conservative in that campaign," publicly—we think it quite likely—but the Standard knows that many *private* arguments and positions are employed by candidates and others in conducting a campaign, that are never heard of through the speeches of candidates or the public press.

The Standard says that "nine-tenths of the skulkers and deserters are Destructives or original secessionists." How does it know this? Is it in the secrets and confidence of such men; and have they confessed to it that they *were* such, but are now sorry for it and have joined the Conservatives? We do not see how else it could gain the information.

The claim by the Standard that the exploded Peace movement of last summer "started with the people," and that seven out of the ten members of Congress were elected upon this issue, is all bare assertion. Our understanding of these matters, does not sustain the claim.—When did *the people,* except in small numbers and mostly in obscure places, pronounce in favor of the Peace movement? If there was this great upheaval of the people claimed by the Standard, when and where was it manifested? Certainly not in great mass meetings, for none such were held—certainly not in the election of members of Congress, for notwithstanding the Standard claims seven out of ten members elect as being favorable to the movement, there were but five elected who favored it, viz: Messrs. Leach, Christian, Turner, Ramsay and Logan—and two of these were elected by a minority of the votes cast, owing to the plurality of candidates. Mr. Smith from the first district, opposed it—also Mr. Bridges from the second, Mr. Gilmer from the sixth, and Mr. Gaither from the ninth districts, and the Fayetteville Observer says Mr. Fuller, from the fourth district, was also opposed to the scheme, and that he was known to be opposed to it. In the whole vote cast a decided majority was against those candidates known to be favorable to the movement.

We have not time for further notice of the Standard's article to-day. We shall recur to it again.

The Petersburg Express has received a copy of the New York World of the 23d inst., and among its gleanings from that paper we find the following:

FROM NORTH CAROLINA—A CONVENTION CALLED TO SECEDE FROM THE SOUTHERN CONFEDERACY.

BOSTON, Jan. 22.—A correspondent of the Traveller, in writing from Newbern, N. C., states that information had reached there that a card had been issued at Raleigh for a State Convention for the purpose of seceding from their allegiance to the Southern Confederacy. The writer says: "Governor Vance and nearly every leading man in North Carolina desire to return to the Union." He also says:—"An army of five thousand men under Gen. Butler could march to Raleigh, take possession of the capital and free the State from the rule of the traitors in one month's time. Such an army would receive an enthusiastic welcome there and all along the line of march. So say men who know."

What does this mean? Who has told the Yankees at Newbern such things? Has any body invited them to come and assured them of an enthusiastic welcome?

DEPREDATIONS OF THE ENEMY IN NORTH GEORGIA.—The army correspondent of the Columbus (Ga.) "Enquirer," writing from Dalton, Jan. 18th, says:

I have had a long conversation with a gentleman from the neighborhood of Graysville, a village six miles above Ringgold on the State road. His account of the depredations of the enemy throughout the whole of the country, between Ringgold and Chattanooga, is terrible. Every planter in that region who had the temerity to remain after our army left, has been completely ruined, their servants have not only been stolen, live stock and provisions swept away; but the fiends have destroyed all their household effects, leaving nothing but the clothing about their persons. In consequence of this, the citizens have been compelled to migrate, some finding their way to the interior of Georgia, while others found an asylum within the Yankee lines; the latter, however, were driven to this course for the want of means to get South.

White Shad have made their appearance in Wilmington—price $35 to $50 a pair. Blockade prices.

North Carolina and her Sister States.

Among the many efforts, persistent as they are false, to mislead the public mind in this State and create prejudice against the Confederate Government, by politicians of the cross-road stamp, and newspaper editors of a worse than partizan character, is the repeated and cant declaration that *North Carolina* has furnished *more troops* in the field than any other State in the Confederacy, and has *fewer men detailed and exempt from service* within the conscript age. The purpose is to produce the conviction in the minds of men who only read or listen to one side of a question, that gross injustice has been thus done *our* State, and unwarranted *favoritism* shown to *others.* The least reflection would show that this charge is wholly unfounded and unjust.

The operation of the conscript laws must necessarily be uniform, taking all, in whatever State, between the ages of 18 and 45. If North Carolina has more men between those ages capable of performing service in the field, then, of course, she ought to furnish more soldiers than others of her sister States having a less number of such men, in proportion to population. The fact is, however, established by official records, that several of our sister States have had and continue to have more troops in the field than we have. Georgia and Virginia certainly have, and probably Texas and Tennessee. Governor Harris of the latter State, in a public document, states that Tennessee has had more men in the war than any other State, although the largest portion of the State has been overrun by the enemy; and we have recently seen that the *one hundred and fifty-fourth Regiment* has re-enlisted for the war. *Our* whole number of regiments of every arm, has not yet reached seventy—Our good old State has done her duty nobly Our gallant soldiers have won immortal honors in the field. Their courage, their endurance, their discipline and devotion, have won praises from all, and been surpassed by none. Would to God that all our people at home were as true and loyal as our brave troops in the field.

But we have, not, either voluntarily or by compulsion, done more than our duty—more than the great cause of liberty and our country demanded. We cannot claim respect, either by disparaging others or arrogating more for ourselves than we are fully entitled to. Envy and jealousy are the characteristics of mean and small minds, as well with nations as individuals. A man of high courage and true self-respect, conscious of unspotted integrity and lofty principles and purpose, is not disposed to detract from others, and never imagines that his own character is doubtful and the subject of unjust criticism. It is not necessary for the honor and fame of North Carolina that she should, as has been the wont with some of her false sons, asperse and denounce Virginia and South Carolina and other sister States who have so nobly stood by us in this patriotic, this glorious and gigantic struggle for liberty and independence.

But is it true that injustice has been done to our State in the matter of exemptions?—Have we fewer exempts and details than other States? On the contrary, have we not more than any other State in the Confederacy, with a less population than several of them?

We invite special attention to facts stated from an official report on this subject, made by the Conscript Bureau at Richmond, on the 16th December last, and submitted to the present Congress From the principal classes in the lists of persons, within the conscript age, who are exempt and detailed in North Carolina, Virginia and Georgia, we select the following, South Carolina has comparatively but few exempts or details of any class:

	N. C.	Va.	Ga.
Military officers,	3,430	44	897
Magistrates,	579	295	000
Shoemakers,	651	909	594
Blacksmiths,	630	588	590
Millers,	668	754	409
Salt Manufacturers,	627	148	151
Details (general,)	1,913	000	000

From this abstract it is plainly manifest that North Carolina has no cause of complaint on the law of exemptions and details as compared with other States. On the contrary it appears she has a great advantage. The total in the list of exempts shows that North Carolina has 22,807, while Virginia has 20,372, and Georgia, the great State of Georgia, has but 15,837. In the State Ordnance Department, a part of our unnecessarily large State military establishment, there are 258 exempts, neither Virginia or Georgia has any on this account.

We forbear at present to say anything of the large number of officers who have been called with their own consent from active service in the field to posts of civil duty in the State, both by the Legislature and the Executive Department. They are to be found among the Judges and the prosecuting officers, from the Attorney General down to various other officers in this State. We have always heartily approved of those gallant men who have constantly refused to quit the field and accept civil office during the continuance of this war. We trust those who have pursued a different course and are now at ease in the civil departments of the Government, may never in the future have reason to regret the choice they have made. We do not impugn their motives—it is time now to lay aside all bickering and party strife and prove ourselves equal to the exigencies of the great crisis which is upon us. Let us cease all abuse of each other and all jealousy of other States. While we stand ready at all times, and in every lawful way to defend all our civil rights, as freemen, let us give a cordial support to our authorities, State and Confederate. Let us all join in the glorious contest for victory over our wicked foe, and listen to no syren song of peace which does not lead along the path of freedom, and secure to us and our children liberty and independence.

[For The Confederate.

Is the Act of Congress Conscripting Principals, who had placed Substitutes in the Army, Constitutional?

The confident and flippant tone with which certain editors and their correspondents have decided that the recent Act of Congress, placing the principals of substitutes in the field is clearly unconstitutional, and that too without giving reasons or quoting authority, would be simply amusing, were not the results, seemingly amied at, of so disastrous a character as to demand serious attention. I may be pardoned for opening the discussion of a dry question of law, with the hope of satisfying intelligent and patriotic men and disarming agitators of one of their irritating questions. I had supposed the question as yet an open one, and as it is a settled principle of our law, that the validity and constitutionality of laws are to be presumed unless the contrary manifestly appears—that until some court or respectable legal authority should deny its constitutionality—that not even the license of the Press was justified in assuming it to be unconstitutional.

The law passed with almost unexampled unanimity by Congress—after much previous enquiry on the very question at issue, and the question has not been adjudicated by any Judge since its passage. Is not this so? A correspondent of the Raleigh Standard, over the signature "Publius," asserts that our Supreme Court has decided that the act of Congress allowing substitution, was a contract; and from this argues that Congress has no power to pass an act impairing the obligation of a contract. Now, it is denied that our Supreme Court ever decided against the constitutionality of such an act as I am considering, but expressly put their decision (in the matter of Bryan) upon the ground of construction, that by their construction, Congress did not intend to conscribe substitutes who were already in the army or their principals. Both Judge Pearson and Judge Battle waive all other questions and put their decision upon the ground that the conscript law did not apply to or include substitutes.

It is admitted on all hands, that the agreement between the substitute and his principal is a contract, but it is one to which they are the only parties—the Confederate States Government is not a party thereto. Are all contracts between private individuals of so sacred and sovereign a character as to override general laws passed by the legislature of the Confederate States by virtue of the constitution "to raise armies" for the public defence? If so "the constitution and the laws of the Confederate States passed in pursuance thereof," are *not* "the supreme law of the land." But we are a nation of "individual" "sovereigns." If A. employs B. to work for him twelve months, does this contract of hiring exempt B. from the paramount claim that the Confederate States has on him for military service? Why none will so pretend. Then it is not sufficient that the courts should hold that substition involves a contract—it must be such a contract as Congress is inhibited either by pledged faith and constitutional law from violating.

Now I am well aware that the Constitution of the Confederate States prohibits *States* by name from "passing any law impairing the obligation of contracts"—and that this is a literal copy of the Constitution of the United States, and that the Supreme Court of the United States, in construing this identical clause of the Constitution of the United States have decided.—"There is nothing in the Constitution of the United States, which forbids *Congress* to pass laws violating the obligation of contracts, though such power is denied to the several States." *Evans vs. Eaton, Peters, C. C. R., p.* 322.

But I don't intend to rest upon this. But shall treat the question as if Congress was expressly inhibited as well as the States from the passage of such acts—in other words, subject this act of Congress to the test as if it had been passed by a State Legislature. Surely none could ask me to go further—and if it be found such an act as has been approved as constitutional in analagous cases by both the Supreme Court of the United States and of the different States—then this cry of "wolf, wolf" will be rated at its true value.

Then, is the Confederate States Government a party to the contract between the *hirer* of the substitute and the substitute? What has that Government done to make it such a party? First, prior to the conscription law, the Confederate States makes a requisition on the several States for their respective quotas of soldiers, and North Carolina undertook to raise her proportion in her own way; first by *volunteering,* and failing in that, by *drafting.* The first substitutes were hired in North Carolina by those who had been *drafted* under the *State laws,* or those who feared so to be drafted; and generally for very small sums of money—from $50 to $200. Now, clearly, Congress had done nothing so far to involve the Confederate States in the contract. These are the substitute men who have been so conspicuous in *habeas corpus* proceedings, and who are so much favoured by the judicial decisions. There was no act of Congres of the Confederate States authorizing substitution until the passage of the conscript act. Clearly, as to this class of men, their is no constitutional impediment in the way of their being subject to military service.

In April 1862, Congress passes the first Conscription Act, ordering to be enrolled all white males between the ages of 18 and 35, allowing certain exemptions on account of trades and offices, and also allowing others, *ex gratia,* as a matter of favor, to place another equally fit for service in their stead, and by so doing to acquire the privilege of exemption under this law. The Act does not stipulate for an exemption for any particular time. It was known to be a repealable act; that what Congress had passed for the public good it could at any time, when satisfied of its inexpediency or insufficiency, repeal, acting upon the same high considerations.

Now, whether the conscript shall elect to procure a substitute or not, and whether he procures him by paying him money, or through favor or affection, as by the son taking the place of his father, or *vice versa,* is a matter of perfect indifference to the Government. The change does not operate to the benefit of the Government, and was not so intended—and no consideration moves to the Government. The Conscript is found or contessed by his own act to be fit for service, and when he produces a substitute who is equally fit, but in the eye of the law no more so, what does Government gain? Nothing—a mere change in the name of the soldier on the muster roll. If the law has been fairly executed, the army oftener received "an *older* than a *better* soldier."

And there is no agreement made by the government to exempt the principal for any period of time or under any future law. I will quote from the case of Bryan, above referred to—the argument of counsel for the petitioner, because it is the most plausible that I have seen on the other side of the question:

"In the view of able lawyers, substitution involves a contract with government; they maintain that the provision that substitutes not liable to duty, might be received for such as were, with a knowledge by the law-maker, that the substitution would be attended with a heavy sacrifice of money, is equivalent to a declaration by the government, that those who buy substitutes should be discharged from the service for such time as the substitute should be put in." *See page* 49, *Jones' Habeas Corpus Cases.*

The able counsel for the petitioner carefully avoids committing himself personally by the expression of any individual opinion on the question—but contents himself with quoting the opinion and reasoning of "able lawyers," whose names he withholds. Nay, at the conclusion of the argument he makes this pregnant admission, and by it, virtually gives up the whole question in debate:

"I admit a difference between a bargain made between a nation and its citizens, and a bargain between two nations; the former may be violated in a very urgent case, upon making compensation; the latter must be submitted to, if fairly made." *See B. F. Moore's argument, ibid, page* 51.

Now, as Congress in the preamble to the act in question, affirms that it is a very urgent case—and as that is a question for Congress and not the Judiciary to decide—it appears that even the counsel admit the constitutional power to pass the law, upon making compensation to the principal. If an account were stated of the loss and gain in dollars and cents to the substitute buyer, by reason of his substitution, the amount of profits would largely exceed the cost of the substitute and exhibit a lean case for sympathy.

If the reasoning of the anonymous "able lawyers" quoted above be correct, and a contract is to be implied in favor of the substitute hirer, the same forced logic would engraft a like vigorous implication upon every clause of the Exemption Law, and make an exemption once obtained under any law, as irrevocable as the laws of the Medes and Persians.

For instance, the Tanner, with much more force might urge that the provision that the tanner might be exempt while habitually employed working for the public at his trade, "with a knowledge of the law maker that the business of tanning leather upon the terms required by the law would be attended with a heavy sacrifice of money, is equivalent to a declaration by the government that he who would thus tan leather, should be discharged from service for such time as he should be habitually engaged, working for the public at his trade." The tanner's plea is much the stronger:

1st. On the score of the valuable consideration moving to the government by his acceptance of its proposal. Home-made leather is indespensable to the success of the army—the foreign supply being cut off in a great measure, Government, to suit its own necessities, invites skilled labor to invest its capital in this branch of business, and offers the inducement of exemption from service to stimulate an acceptance of its offer. Its invitation is accepted; thousands are invested in it and then the exemption act was repealed and the tanner hurried to the army and none of his trade left to work out his stock.

Then, in the next place, in the matter of pecuniary loss:—the tanner is liable to lose his whole capital thus invested. Other tradesmen could use the same plea, and thus by forced implication, the Government could be fettered or shorn of its Constitutional functions and deprived of all further power "to raise armies." This would be the first instance for history to record of a *felo de se* by Government. Do the decision of our Courts warrant such violent implications of contract to fetter the hands of the Government? From the opinions of "able lawyers" whose names are not known, I appeal to jurists.

"Whom not to know, argues yourself unknown."

Chief Justice Taney, in Charles River Bridge *vs.* Warren Bridge, 12 *Peters, p.* 548, uses this language: "The continued existence of a Government, would be of no great value, if by *implications* and *presumptions,* it was disarmed of the powers necessary to accomplish the ends of its creation."

Chief Justice Parsons, in his elaborate work on Contracts, 2 vol., p. 511, in treating of the clause in the Constitution in question and as to what contracts the States were prohibited from violating, uses this language:

"We may say it is not intended to apply to public property, *to the discharge of, public duties,* to the profession or exercise of public rights, nor to any *changes or qualifications* in any of these, which the Legislature of a State may at any time deem expedient."

Chief Justice Pearson, in McRee vs. Wil. R. R. Co., 2d Jones' R., p. 189, uses the language quoted below, which he quotes and approves, in State vs. Matthews, 3 *Jones, p* 459—both of which opinions are in point and conclusive of the whole question:

"We should hesitate long before bringing our minds to the conclusion it was the intention of the Legislature to take from itself the power of doing that for which all Governments are organized—promoting the general welfare, by adopting such measures as a new state of things might make necessary for the benefit of the public; in other words, it is unreasonable to suppose an intention to surrender the means by which it may thereafter be able to effect the purpose for which it was erected and formed into a Government."

And this was in a case where there was an express grant of a franchise to Benjamin Herron, *his heirs and assigns forever,* in consideration of their building a bridge over the North East branch of the Cape Fear River, and all persons are prohibited from carrying persons, &c., over said stream within six miles of said bridge, and suit was brought against the Wil. R. R. Co.—which crosses the river within less than six miles, and the charter held to be constitutional by the Court—none dissenting—Judge Battle not participating.

So in State vs. Mathews, 3d Jones, Chief Justice Pearson, after quoting the language above recited from the last case, says:

"It follows, that to establish a contract, on the part of the Legislature to relinquish any of its powers, *plain and unequivocal words must be used.*" For instance, if its charter authorize a bank to lend money and is silent as to the rate of interest, the general law will fix it, and should the Legislature afterwards make the rate lower, the Corporation as well as individuals will be bound."

Then in substitution, it being admitted there is no express contract by which the Principal is exempt for any stated period of time, an implied contract divesting Government of its most vital functions, depriving it of its power to wage war and defend the community—the main end of its creation—it is "unreasonable" to presume; nothing "but plain and unequivocal words" can have that effect, if any law of Congress can deprive its successors of their constitutional functions.

Your space would not allow me to quote other authority, and I fear that in endeavoring to condense, I may have failed to give the full force of the authorities quoted.

DELTA.

The Yankees will have it that the Small-Pox is raging in Raleigh to a fearful extent.

ACTION OF GEORGIA PRODUCERS.—We are pleased to observe that the planters of Georgia are holding county meetings to fix the prices of produce, and urge the Governor to call a convention of all the planters of the State, in February, to determine upon an uniform scale of prices to be asked for corn, pork, bacon, peas, fodder, &c., while the war lasts. They invoke similar action on the part of the planters of other States.

The citizens of Houston county agreed upon the following prices for the support of the army:

Corn $3 per bushel, field peas $3 per bushel, wheat $5 per bushel, Sorghom syrup $3,50 per gallon, stall fed beef 50 cents per pound, fat hogs, gross, 60 cents per pound, nett pork 75 cents per pound, bacon $1,25 per pound.

We agree with the Progress, that these examples are worthy of imitation, and that the great question of the day is the food question. There is now no doubt on that point. It remains entirely with the producers whether or no our cause shall be crippled for lack of sustenance for the armies, and for the people at home. Let every person who has land, raise all he can of the articles necessary to sustain life. Let them resolve to sell the same at the lowest possible figure. Let them do all in their power to put down the suicidal spirit of speculation in food, now altogether too prevalent, and thus assist consumers to supply their wants at reasonable rates. If our planters will resolve to take steps of this kind, and also carry out what they resolve to do, all will be well with us If they adopt a contrary course, we fear the scenes of turmoil and strife that will surely occur.

The Defences of Charleston—Iron-Clads and Forts.

We had no conception of the damage done the boasted iron-clads, the invincible sea monsters of the United States, by the Charleston forts, till we read the late honest confessions of the commanders of those vessels that they were no match for the forts; that, contrary to their ardent expectations, the most powerful iron-clad vessels seem unable to cope with land batteries, and that the naval forces of the United States cannot take Charleston! The question of ships and forts may now be considered as forever settled, and the old superiority of forts, demonstrated a hundred times in former wars, remains undisturbed by all the modern improvements in naval enginery. Such a naval armament as that which has been operating for six months against Charleston has never before been employed in the wars of the world. And now it acknowledges itself beaten, and honestly confesses that Charleston, if taken at all, cannot be taken by sea.

And to whom belongs the credit of the most successful and magnificent defence of fortifications against ships that history records? Who, for six months, with limited means and resources, has set the whole power of the United States at defiance, and beaten back the most powerful naval armament that the world has ever seen? Who is it that has rivaled the fame of Todleben and made the defence of Charleston as wonderful at that of Sebastopol? And why is it that Congress does not utter that name, and give it formally the thanks which every man and nation speaks, and which such exalted genius and devotion deserve? We know not why. But if Congress would atone for its many absurdities and short-comings, if it would cleanse and purify those lips which have discoursed so much faction and and folly, let it utter with its dying breath—Beauregard!

During the past sombre year, the only star of success that has shone with steady radiance upon our storm-tost sea, is that which gleams from the battlements of Charleston. The right man has been in the right place, and he has been supported by a harmonious and self-sacrificing people. All honor to Charleston and its faithful and heroic defenders! Immortal honor to its great and virtuous chief, whose transcendent talents and energy are only equalled by the rare disinterestedness of his nature and the beautiful modesty of his character. Whilst such a constellation of military genius still guides the armies of the South as Lee, Johnston, Beauregard, Longstreet, Magruder, to say nothing of other stars not yet so high in position, but whose brilliancy gives promise of an equally grand career, doubt and despondency should be dismissed, and Gratitude, Faith, and Hope animate every Confederate heart.—*Richmond Dispatch.*

THE JOHNSTON MEETING.—The Raleigh Standard is still more excited and uses uglier language in reference to the resolutions which were written in Raleigh and sent to Johnston. The Standard is fretting itself unnecessarily. We repeat for its benefit that there is not the slightest doubt about the matter. We have in our possession the written statement to that effect of a gentleman of high character who *knew* what he said to be true. Whether the resolutions *adopted* in Johnston were those prepared in Raleigh, of course we do not know. As we suggested last week, a new set may have been prepared after the exposure.—*Fayetteville Observer.*

BLADDERS! BLADDERS!!

I will pay fifty (50) cents for Beef and 25 for Hog Bladders. They must be well cleansed and kept blown up until perfectly dry, when they can be pressed together and sent to me by Express. When 25 or more are sent at a time, I will pay the freight

R. B. SAUNDERS,
dec 12-d6w Chapel Hill, N. C

☞ Tarboro' Southerner, Petersburg Express and Wilmington Journal copy 1 month and send bill to this office.

New Advertisements.

20 Recruits Wanted.—The undersigned has been authorized to receive Twenty Recruits for Captain Galloway's company.

This Company is organized under a special order from the Secretary of War, for local duty at Salisbury, N. C., during the war. Persons who are non-conscripts, joining this Company, are not liable to be taken out after they become liable to field service. Recruits under eighteen years of age are not liable to be taken out after they become eighteen. For further information, address me at Smithfield, N. C.

Application must be made immediately.

W. R. SNEAD,
5-1t Recruiting Officier.

Oxford Female College.—The twenty-sixth session began on Monday the 18th of January 1864, and will continue twenty weeks.

Tuition in each school $60.

Piano rent $15. No extra charges.

Board varies with provisions.

J. H. MILLS,
5-tf. Oxford, N. C.